

# Morgan Lewis

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**VIA CM/ECF**

Honorable Maryellen Noreika  
844 N. King Street, Room 4324  
Wilmington, DE 19801-3555

Re: Nippon Shinyaku Co. v. Sarepta Therapeutics, Inc., C.A. No. 21-1015-MN

Dear Judge Noreika:

The parties in the above-referenced action submit the attached Proposed Scheduling Order. The parties were unable to reach agreement and have thus provided competing proposals for the dates or discovery limitations set forth in the following paragraphs of the Proposed Scheduling Order: 2, 8(a), 8(b), 8(c), 8(e), 8(f)(i), 8(f)(iii), 8(f)(iv), 10, 11, 12, 13, and 15(a).

The parties also wish to call to Your Honor's attention that both parties are asserting infringement of their patents. Because there are patents asserted in both directions, the parties have proposed two sets of *Markman* briefs—that is, each side would serve an opening brief on its patents and then an answering brief regarding the patents asserted against it, etc., culminating in the construction of two joint claim construction briefs, one on each set of patents.

Counsel are available should the Court wish to discuss these disputes.

Respectfully submitted,

/s/ Amy M. Dudash

Amy M. Dudash (DE Bar No. 5741)

CC: Counsel of Record (Via CM/ECF)

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